IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 16945 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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Versus

VIRENDRA PRAVINCHANDRA MEHTA

Appearance:

1. Special Civil Application No. 16945 of 2003

MR BS PATEL for Petitioner No. 1

MRS RANJAN B PATEL for Petitioner No. 1

PARTY-IN-PERSON for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.M.MEHTA

Date of decision: 20/01/2004

ORAL JUDGEMENT

Rule.

1. The petitioner has filed this petition challenging the order dated 6th November, 2003, passed by the Gujarat State Co-operative Tribunal, Ahmedabad. By the impugned order, the tribunal allowed the Revision Application No.413 of 2003 and order passed by the learned Board of Nominee in Lavad Suit No.227 of 2001 dated 25.8.2003 was quashed and set aside.

2. Mr.B.S.Patel, learned advocate for the petitioner stated in para 4(e) of the petition that revision application submitted by the respondent - party-in-person had been registered under the Regulation 8 and under the Regulation 12, no orders have been passed by the President of the Tribunal. Even the revision application was not kept for hearing but only stay application had been kept for hearing, and without any notice to the petitioner, the tribunal has finally allowed the revision application by the said order.

3. In view of the aforesaid averments, this Court pleased to quash and set aside the order dated 6th November, 2003, only on the ground that though the matter was kept for stay only and not for final hearing, the tribunal has finally allowed the revision application.

4. In view of the aforesaid facts and circumstances of the case, the tribunal is directed to hear the entire revision application on the merits of the matter without being influenced by the order of this Court and also the earlier order of the tribunal dated 6th November, 2003, as this Court has not decided the case on the merits of the matter.

5. Party-in-person requests that the tribunal will hear the matter at an early date. In view of the fact that the order of Nominee is only for preliminary issue, the tribunal is requested to hear and decide the matter as expeditiously as possible.

6. The petition is accordingly disposed of with no order as to costs. Rule is made absolute to the aforesaid extent.

(K.M. Mehta, J.)

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